

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Broadcast Music, Inc., et al.,	)	
	)	CASE NO. 5:12 CV 1171
Plaintiffs,	)	
	)	
v.	)	<u>MEMORANDUM OPINION AND</u>
	)	<u>ORDER</u>
Center Court, LLC dba Center Court Sports	)	
Pub and Eatery, et al.,	)	
	)	
Defendants.	)	

The Court referred this case to Magistrate Judge George Limbert for a report and recommendation on plaintiffs' motion for default judgment (ECF 34) against defendants Center Court and Russell. ECF 35. Defendants Center Court LLC and Holly Russell were served with plaintiffs' complaint alleging that on eleven (11) occasions, defendants publicly performed plaintiff's musical compositions without a license in violation of the United States Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.* However, no responsive pleadings were filed, and default was entered against defendants Center Court and Russell. ECF 13 and 18, respectively.

Plaintiffs' motion seeks an entry of default judgment against Center Court and Russell ordering that they: 1) be enjoined from further infringement pursuant to 17 U.S.C. § 502; 2) pay statutory damages of \$3,000 for each of the eleven (11) acts of infringement pursuant to 17 U.S.C. § 504(c); 3) pay reasonable attorney fees and costs in the amount of \$ 5078.60 pursuant to 17 U.S.C. § 505;S and 4) pay interest on the damages awards pursuant to 28 U.S.C. § 1961. In support of their motion, plaintiffs submitted affidavits and documentation of the infringement, plaintiffs' licensing fees, and attorney fees and costs.

(5:12 CV 1171)

Magistrate Judge Limbert issued a Report and Recommendation recommending that the relief sought by plaintiffs in their motion for default judgment be granted and that a hearing was not necessary in order to award relief. ECF 36.

Under the relevant statute:

[T] magistrate judge shall file his proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

No objections have been filed to Magistrate Judge Limbert's report and recommendation. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge Limbert's thorough and well-reasoned Report and Recommendation and adopts the same. Accordingly, the plaintiffs' motion for default judgment against defendants Center Court and Harris, and the relief requested therein, is GRANTED.

(5:12 CV 1171)

A Judgment Entry will be separately published.

IT IS SO ORDERED.

March 18, 2013  
Date

*s/ David D. Dowd, Jr.*  
David D. Dowd, Jr.  
U.S. District Judge